



November 11, 2022

**VIA ECF**

Honorable Sean H. Lane  
United States Bankruptcy Court  
300 Quarropas Street  
White Plains, New York 10706

Lori Schwartz  
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Re: 85 Flatbush RHO Mezz LLC, 85 Flatbush RHO Hotel, LLC and 85 Flatbush  
RHO Residential LLC, (“Debtors”)  
Chapter 11 Bankruptcy Case No. 20-23280 (SHL)

Dear Judge Lane:

We write on behalf of the Debtors, 85 Flatbush RHO Mezz, LLC, 85 Flatbush RHO Hotel, LLC and 85 Flatbush RHO Residential LLC, in response to the November 10, 2022 letter from counsel to TH Holdco, LLC in connection with November 9, 2022 closing on the credit bid in this bankruptcy case.

In accordance with the Order Resolving TH Holdco’s Motion to Enforce Debtors’ Obligation to Cooperate with Closing of Credit Bid (ECF Doc. No. 336), Debtors are required to provide certain materials and records to TH Holdco no later than November 16, 2022. TH Holdco’s letter details many of these categories and Debtors are gathering these post-closing items and arranging for their delivery on or before the November 16, 2022 deadline.<sup>1</sup>

Copies of the DIP bank statements for August, September were provided to TH Holdco’s counsel on October 19, 2022; DIP bank statements for October 2022 were provided to TH Holdco on November 3, 2022 and the bank activity for November 1-8, 2022 was provided to TH Holdco on November 9, 2022, before the closing.

Regarding the issues that were brought to the Debtors and the Court’s attention on November 9, 2022 with respect to unauthorized occupants at the residential portion of the premises, we attach the declaration of Brian Dulitz, who is an asset manager employed by the

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<sup>1</sup> The deliverables include the August and September 2022 monthly operating reports which are being filed today on the ECF docket.

November 11, 2022  
Page 2

Debtors' manager, GC Realty Advisors LLC. Mr. Dulitz was at the premises on November 9, 2022 at the Debtors' direction and was present along with a representative of TH Holdco, when the New York Police Department walked through the property to remove any unauthorized individuals from the residences. According to Mr. Dulitz, approximately 7 units at the residences have unauthorized occupants who refused to vacate the units. Debtors are prepared to assist TH Holdco in the removal of any unauthorized individuals, but as they no longer hold title to the property, they have no legal standing to do so.

As for the assertions that Sam Rubin, an investor in the Debtors, is the person who gave unauthorized individuals access to and authority to be on the premises, as counsel to the Debtors, we have no comment regarding these assertions; we have communicated with Mr. Rubin and all of the Debtors' representatives as to their continuing obligation to comply with the Court's orders regarding the closing on TH Holdco's credit bid sale. That said, Leech Tishman does not represent any party other than the Debtors and, as previously noted on the record, neither this firm nor the Debtors' representative, David Goldwasser, had knowledge of any express agreements or otherwise for anyone to be at the residential portion of the property other than the two month to month tenants in units 8A and 11F.<sup>2</sup>

Debtors are prepared to attend any status conference scheduled by the Court and respectfully request any such conference be scheduled for a date after the November 16, 2022 deadline to provide various post-closing deliverables to TH Holdco.

Respectfully submitted,

/s/ Lori A. Schwartz  
Lori A. Schwartz

cc: Robert Richards, Esq.  
Lauren Macksoud, Esq.  
Sarah M. Schrag, Esq.  
(via ECF)

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<sup>2</sup> The leases for these units were previously provided to TH Holdco.